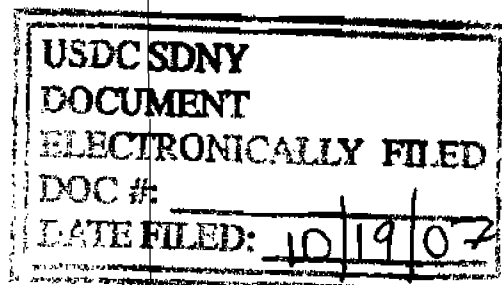


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES ex rel. Nicholas
Kotsopoulos,

Petitioner,

-against-

SUPERINTENDENT, GREEN HAVEN
CORRECTIONAL FACILITY,

Respondent.

TRANSFER ORDER

07 Civ. 6991 (GBD) (FM)

FRANK MAAS, United States Magistrate Judge.

By letter dated August 31, 2007, the respondent's counsel has requested that this habeas case be transferred to the United States District Court for the Eastern District of New York. That application is unopposed.

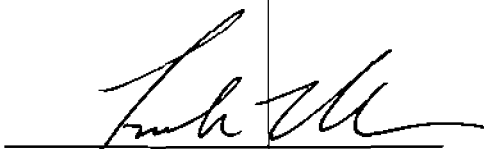
The petition establishes that the petitioner was convicted in the County Court of Nassau County, but is being held at a state correctional facility in this District. This court consequently was a proper place for the petitioner to commence his habeas proceeding. See 28 U.S.C. § 2241(d). Nevertheless, pursuant to a longstanding agreement between the District Courts for the Southern and Eastern Districts of New York, Rule 83.3 of the Local Civil Rules of both districts provides that habeas cases shall ordinarily be "filed, heard and determined in the district court for the district within which [the petitioners] were convicted and sentenced. The rule further states that the "clerks of the Southern and Eastern District Courts are authorized and directed" to effect any necessary transfers between the two districts. In practice, most cases which are filed in one district but belong in the other district are flagged by the Pro Se Clerk and transferred to the proper district before they are assigned to a district judge.

In this case, because the petitioner has retained counsel, his petition never was reviewed by the Pro Se Clerk's office. Nevertheless, it is clear that the Eastern District of New York is the proper venue because that is where he was prosecuted.

Accordingly, the Clerk of the Court is respectfully requested to remove this case from the docket of Judge Daniels and to transfer it to the United States District Court for the Eastern District of New York.

SO ORDERED.

Dated: New York, New York
October 19, 2007


FRANK MAAS
United States Magistrate Judge

Copies to:

Hon. George B. Daniels
United States District Judge

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Clerk of the Court